
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

DIAMOND G RODEOS., INC, a Utah
Corporation; STEVE GILBERT, an
individual; and CYNDI GILBERT, an
individual,

Plaintiffs,

v.

BRIAN JAMES GIFFORD, an individual; and
DOES 1-10,

Defendants.

AND RELATED COUNTERCLAIMS

**MEMORANDUM DECISION AND
ORDER DENYING RELIEF SOUGHT
IN VARIOUS FILINGS**

Case No. 4:22-cv-00089-DN-PK

District Judge David Nuffer
Magistrate Judge Paul Kohler

Defendant Brian Gifford (“Gifford”) filed the following motions and submissions: (1) a collection of documents filed October 9, 2024 (“October 9 Documents”);¹ (2) a collection of documents filed October 25, 2024 (“October 25 Documents”);² Defendant’s Response to Plaintiffs’ Response to Affidavit for Default Judgment (“Response to Response”);³ Notice and Demand for Declaration that Judge’s Order is Void Ab Initio, Request for Recusal, and Immediate Relief (“Notice and Demand”).⁴

¹ Docket no. 84, filed October 9, 2024.

² Docket no. 87, filed October 25, 2024.

³ Docket no. 95, filed November 12, 2024.

⁴ Docket no. 98, filed November 15, 2024.

In response to Gifford's filings, Plaintiffs filed Plaintiffs' Response to Gifford's Notice and Demand for Declaration that Judge's Order is Void Ab Initio, Request for Recusal, and Immediate Relief ("Plaintiffs' Response").⁵⁶

Neither Gifford's October 9 Documents, nor the October 25 Documents, nor the Response to Response, nor the Notice and Demand address Gifford's prior discovery response deficiencies, Gifford's violations of prior court orders, or Gifford's lack of substantive response to the Report and Recommendation entered by Magistrate Judge Paul Kohler.⁷ Additionally, Gifford's Response to Response was filed contemporaneously with the Memorandum Decision and Order Denying Request for Default Judgment ("Default Judgment Order").⁸ For the reasons in the Default Judgment Order, Gifford's Response to Response is likewise meritless.

Gifford has not shown any basis for his filings, which are duplicative of previously denied motions, and which are baseless, incoherent, and irrelevant.

The Report and Recommendation recommended default judgment be entered in favor of Plaintiffs against Gifford.⁹ Gifford failed to make any objection, and the Report and Recommendation was adopted in its entirety resulting in a Default Judgment in favor of Plaintiffs against Gifford.¹⁰ Gifford's additional filings listed above continue Gifford's pattern of filing improper, non-responsive, deficient, baseless, irrelevant filings; his repeated ignoring of court orders; and his failures to follow the rules of procedure.

⁵ [Docket no. 102](#), filed November 29, 2024.

⁶ [Docket no. 77](#), filed September 16, 2024.

⁷ Report & Recommendation, [docket no. 62](#), filed May 6, 2024.

⁸ [Docket no. 96](#), filed November 12, 2024.

⁹ Report & Recommendation, [docket no. 62](#), filed May 6, 2024.

¹⁰ Memorandum Decision and Order Adopting Report and Recommendation, [docket no. 78](#), filed October 4, 2024.

ORDER

IT IS HEREBY ORDERED that all of Gifford's filings referenced herein, to the extent they can be considered motions, are DENIED including the Notice and Demand.¹¹ Any other relief requested in Gifford's filings is also DENIED.

IT IS FURTHER ORDERED that based on Gifford's continued abuse of judicial process with his meritless, vexatious filings, Gifford shall be subject to filing restrictions in this case unless he either is represented by a licensed attorney admitted to practice in this district or first obtains court permission to proceed pro se. To obtain court permission to file pro se in this case, Mr. Gifford is required to:

1. Pay the full filing fee, if applicable.
2. File a Motion for Leave to File Pro Se Pleading or Paper, which must include the following documents as attachments:
 - a. The proposed pleading or paper;
 - b. A copy of this order imposing filing restrictions;
 - c. A notarized affidavit or declaration, in proper legal form, that certifies that, to the best of Mr. Gifford's knowledge, that his allegations are not frivolous or made in bad faith; are warranted by existing law or have a good faith argument for the extension, modification, or reversal of existing law; not made for any improper purpose; and that he will comply with all applicable rules, including the Federal Rules of Civil Procedure and the District of Utah's Local Civil Rules.

¹¹ [Docket no. 98](#), filed November 15, 2024.

Any objection to this order must be filed within 14 days.

Signed April 7, 2025.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge